Supreme Court, U.S.
FILED

NO. 03 164 JUN 2 - 2003

IN THE

SUPREME COURT OF THE UNITED STATES

Rickey Townsend

v.

Wade Renstrom,
James Gold,
David Hoffmann et.al.

On Petition for Writ of Certiorari
to the United States Court of Appeals for the
Seventh Circuit

Pro Se Petitioner
Mr. Rickey Townsend
Post Office Box 912
520 Lee Street
Wisconsin Rapids, WI 54495
(715) 424-4246

The questions presented for review is:

1. Whether the court of appeals errored in not addressing terrorism and not disqualifying the Chief District Judge as of the date of knowledge of the earliest known violation of 28 U.S.C. 455(a), for abuse of discretion under 28 U.S.C. 1915 and the Code of Conduct of the United States Judges. Thus requiring that her findings of fact and conclusions of law be vacated, and the case be moved out of the jurisdiction of the state of Wisconsin.

2. The Prison Litigation Reform Act of 1995 cannot be applied broadly to include law enforcement officers, this standard is violating law enforcement officers constitutional rights in judicial litigation.

List of Parties Rule 14(a)

The parties to the proceedings before the United States Court of Appeals for the Seventh Circuit were petitioner Rickey Townsend and respondents the United States Attorney's Office Western District of Wisconsin for James Wayman, Steve Lentz, Judy Langhurst Dewar, Keith O' Neal and Dave Shy. Corneille Law Group for David Hoffmann, James Logan, Dan Manders, and the Hess Memorial Hospital. The law offices of Stilp & Cotton for James Gold. Other respondents Leon Radant, Wade Renstrom, Lenny Graves, Greg Liska, James Reed, Bruce Borchert, Deb Paske, Mike Moore, Thomas Hayes, Two John Doe (Control Center Officers at Federal Correctional Institution, Oxford WI), Ann B. Shindell, Arron Phillips and Richard Steadtler.

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Jurisdiction Rule 14(e)

The Supreme Court of the United States has jurisdiction initially to determine whether a case is properly before it for review under 28 U.S.C. 1254, even if it ultimately decides the court of appeals did not have jurisdiction over the case initially. Conversely, if the Court determines that the appeal was rightfully before the court of appeals, it may proceed to address the merits of the case. United States v. Nixon, 418 U.S. 683, 691-692, 94 S. Ct. 3090, 41 L. Ed. 2d 1039 (1974)

The court of appeals did not issue an opinion on the appeals case nos. 02-2714-02-2715, nor gave the petitioner the opportunity to be heard in a court of law. Supreme Court Rule 11 states that before judgement is entered in the United States court of appeals it will only be granted upon showing that the case is of such imperative public importance as to justify deviation from normal appellate practice and require immediate determination by this Court. The only way to do that is by transcripts done under oath in a hearing. I was never granted a hearing or Oral Argument by the United States Seventh Circuit Court of Appeals nor in the Federal Western District of Wisconsin. The United States Seventh Circuit Court of Appeals has not answered any important questions of federal law nor presented any Supreme Court case law to review. Supreme Court Rule 10(c) The United States Court of Appeals did not dispose of the entire case, only five government respondents, James Wayman, Steve Lentz, Judy Langhurst Dewar, Keith O' Neal and Dave Shy. The Western District of Wisconsin United States Attorney cannot take the lead to shut down the entire appeal for all respondents listed on

the appeal. (A111) On April 4, 2003 the petitioner's application to extend time to file a Writ of Certiorari was granted by Justice Stevens, whom extended the time to and including June 13, 2003.

Petitioner invokes 28 U.S.C. 1254(1), by writ of certiorari, granted upon the petition of any party to any civil or criminal case before or after rendition of judgement or decree. This Court should accept jurisdiction if for no other reason than to correct the wrong- ful approach taken by the lower courts and to give the issue the kind of treatment that, on a matter of such fundamental public importance, the country so virtually needs and deserves.

Constitutional Provision Involved Rule 14(f)

The Supreme Court has spent more than a century answering the question of what due process means. The first time it considered the matter, it noted that the phrase "due process" probably meant no more than those who wrote in into the Bill of Rights than simply by the law of the land" -that is by accepted legal procedures. Murray's Lessee v. Hoboken Land and Improvement Co., 18 How. 272 (1856) A matter of fact origin, however, the guarantee of due process had expanded into the basic constitutional assurance to the individual that the government will deal fairly with him or her. Justice Rutledge in 1947 "at times", he wrote, "the way in which courts preform their function becomes as important as what they do in result. In some respects matters of procedure constitute the very essence of ordered liberty under the Constitution." United States v. United Mine Workers, 330 U.S. 258 at 342 (1947)

Our founding fathers of this great Nation foresaw the changes in the future and had confidence in posterity, and because they knew as John Marshall said that the "Constitution was intended to endure for the ages to come and be adapted to a various crisis of human affairs", they accepted the keyword "adapted" as natural term interpretation of the Constitution. On What the Constitution Means (1984) , Sotirios A. Barber wrote: "The aspirational tone of the Constitution is unmistakable in the Preamble." That preface sets out the republics purposes, not only to achieve a more perfect union, national defenses, the general welfare, and domestic tranquillity but also to "establish justice" "an secure the blessings of liberty to ourselves and our posterity." quoted from The United States Constitution and the Supreme Court The Constitution of the United States is a protection against oppression. The letter spirit of the Constitution is satisfied if, where a criminal purpose is executed, the criminal purpose be punished. Brown v. Elliott, 225 U.S. 392, 32 S. Ct. 812, 56 L. Ed. 1136 The words life, liberty and property as used in constitutions are representative terms and are intended to cover every right to which a member of the body poltic is entitled to under law. In short, all that makes life worth living, or all the rights consistent with public safety. The liberty is thus guaranteed is a very broad and extensive concept. Gillespie v. People, 188 Ill. 176, 58 N.E. 1007 (1900) McKinster v. Sager, 163 Ind. 671 72 N.E. 854 (1904) In re Flukes, 157 Mo. 125 57 S.W. 545 (1900)

The Hon. Attorney General John Ashcroft was quoted as stating in an immediate press release on February 20, 2003 pertaining to indictments on the members of the Palestinian Islamic Jihad charged with racketeering and

conspiracy "Our message to them is clear: We make no distinction between those who carry out terrorist attacks and those who knowingly finance, manage or supervise terrorist organizations. We will bring justice to the full network of terror." The Attorney General Ashcroft was also quoted as stating in an DOJ press release on Martin Luther King, Jr. Day in the Great Hall on January 17, 2003 "Dr. King spoke of a dream -a dream deeply rooted in the American dream- of a nation that rises up to live out of the true meaning of its creed; an America in which all men and women are guaranteed the inalienable rights of life, liberty and the pursuit of happiness. At the Department of Justice, it is our mission to safeguard and to these rights -for all of God's children. Our duty is to defend freedom through the law by its very definition excludes no American on the basis of his or her religion, sex and creed. Fulfilling this duty is the obligation of each and every one of us."

The Fourteenth Amendment to the Constitution of the United States of America provides ".....nor shall any State deprive any person of life, liberty, or property, without the due process of the law; nor deny to any person within its jurisdiction the equal protection of the laws."

Statement of Case Rule 14(g)

Petitioner presents a novel case of imperative public government importance that must be addressed by this Court. Freedman v. Maryland 380 U.S. 51, 131 Ed. 2d 649, 85 S. Ct. 734 (1965). Petitioner has served the United States of America in the United States Military and as a Senior Corrections Officer for the Federal Bureau of Prisons. Petitioner witnessed terrorist activity at the Federal Correctional Institution, Oxford Wisconsin, petitioner was at low rank, GS-6 than went to GS-7. When petitioner started questioning the integrity of certain Bureau of Prisons co-workers about what was going on and why they were performing illegal activity against Bureau of Prison policy, and why inmates were allowed to receive terrorist material prior to the World Trade Center Bombing on February 26, 1993, petitioner was told to concern himself with other matters. Petitioner soon discovered that certain staff and officials of the Bureau of Prisons were members and promoting white supremacy terrorist groups. When these Bureau of Prisons staff members discovered that petitioner wasn't a team player for the illegal activity and terrorism being preformed, petitioner became a threat that ultimately could not be stopped from talking about what petitioner witnessed and gathered. From that point on certain inmates of the Bureau of Prisons and staff members were used to go against the petitioner and discredit petitioner. After desperately attempting to transfer to another federal correctional institution, it had proven unsuccessful. Because on October 11, 1995, the petitioner was intentionally poisoned, by the same Bureau of Prisons officials (co-workers) through coffee in the Waupaca Unit Secretaries Office, at the Federal Correctional

Institution, Oxford Wisconsin in a controlled environment away from inmate open accessibility.

This case demonstrates through evidence a conspiracy to evade criminal charges by respondents, witness intimidation and deaths, contamination of property evidence by the State of Wisconsin's judicial approval (Wood County), and delay of due process rights in the Federal Western District of Wisconsin Court which can be proven in a Court of Law in the Federal District of Minnesota.

Concise Argument for Allowance of Writ of Certiorari Rule 14(h)

The District Court found the conspiracy claims pursuant to 42 U.S.C. 1983, 42 U.S.C. 1985 (1)(2)(3) and the Ku Klux Klan Act of 1871 to be legally frivolous without prejudice. The District Court dismissed almost the entire case on February 8, 2002 pursuant to 28 U.S.C. 1915(e)(2), and denied petitioner any legal counsel, permitting only a few Title VII claims realigning the entire lawsuit. Even though the Chief Judge did specify the petitioner didn't allege a title VII with the court when referring to race discrimination claims, rather a 42 U.S.C. 1983 claim. (A112) Petitioner filed a Motion to Reconsider the Chief Judges decision on February 15, 2002, which was denied on all relief requested.(A113) Petitioner did petition the Chief Judge for an Interlocutory Appeal on March 22, 2002 which was denied certification. (A114) Petitioner's constitutional due process rights were violated, and petitioner was held throughout the whole judicial proceedings that lasted several months of pleadings, to the "Law of the Case

doctrine", being Denton, Director of Corrections of California, et.al. v. Hernandez 504 U.S. 25, 32-33 (1992)

The "Law of the Case doctrine" is defined in Pescatore v. Pan American World Airways, Inc. 97 F. 3d 1 (2nd Cir. 1996) as when the court decides upon a rule of law, that decision should continue to govern same issues in subsequent stages in same case. The Chief Judge improperly applied 28 U.S.C. 1915 (e)(2), to petitioners case, as a form of abuse of discretion. Allowing the district rulings to stand will erode the public's confidence in the judicial process. Liljeberg v. Health Services Acquisition Corp. 486 U.S. 847 (1988) "We must continuously bear in mind that to preform its high function in the best way justice must satisfy the appearance of justice." (quoting Liljeberg, 486 U.S. at 864 internal quotation omitted) The Chief Judge cited a respondent's Leon Radant's medical one page report that was submitted by petitioner, as a usage of dismissal of the case pleadings in the February 8, 2002 order. (A112) This was done without knowing if the evidence was even credible, and also the respondent/defendant never answered the complaint nor responded to appeal briefing in the District Court neither in the Seventh Circuit Court of Appeals. However, petitioner had expert witnesses that were never even acknowledged by the Chief Judge, that are Doctor's whom are going to testify that petitioner was poisoned on October 11, 1995, at the Federal Correctional Institution, Oxford WI and testify on all medical records. 18 U.S.C. 115 & 1114 It is important to be neutral "it preserves both the appearance and reality of fairness, generating a feeling, so important to popular government, that justice has been done, by ensuring that no person will be deprived of his interests in the absence of a proceeding in

which he may present his case with assurance that the arbiter is not predisposed to find against him." quoting Joint Anti-Fascist Refugee Committee v. McGrath, 341 U.S. 123, 172, 95 L. Ed. 817, 71 S.Ct. 624, (1951) 28 U.S.C. 455(a), requires a judge to disqualify himself in any proceeding in which his impartiality might reasonably be questioned.

The Prison Litigation Reform Act of 1995 was passed in respect to appropriate prison conditions, Public Law 104-134 - April 26, 1996. This Act has encompassed within it a broad look into a civil action with respect to prison conditions, with it encompassing mainly prisoners rights. It is true that law enforcement officers do not have any Acts in Congress that protect them, in a case similar to petitioners novel case. Law Enforcement Officers in novel circumstances as petitioner should not have to be classified as a Whistle blower just because they follow the policies and procedures of the Institution or Jail they work at. Especially, if the law enforcement officer as in petitioners case, is reporting terrorism and as a result these terrorist's attempt to murder petitioner. It is dangerous to report this type of situation to the agency because there is a tendency for retaliation and cover-ups of information. Nothing is worse than attempting to civil litigate to obtain judicial relief and law enforcement officers as petitioner are treated as prisoners with limited or no rights to due process. It is safe to say that petitioner being denied in the Federal Western District of Wisconsin all of his judicial due process rights, dismissal pursuant to 28 U.S.C. 1915(e)(2), denial of any legal counsel by Chief Judge and agency, denial to present criminal evidence to the United States Attorney, and being classified under prisoner case law, that petitioner is

being treated with prisoner rights throughout the judicial process in the Federal Western District of Wisconsin and in the Seventh Circuit Court of Appeals. Even though petitioner is currently on Federal Workers Compensation Programs till the year 2036, and is listed pursuant to 5 U.S.C. 8101 et seq., which has just came to petitioners attention.

The petitioner is in a controlled environment on the outside of the prison similar to conditions of a prisoner whom has been released and is on parole. The prisoner is monitored continually, by local, state and federal government officials. The Court must understand that the Bureau of Prison staff, petitioner refers to are trained to work in a controlled environment that can be transferred and applied in there personal lives. The Bureau of Prisons has policies that encourage employees to have a good working relationship with local county, state and community governments, and also encourages them to join organizations, which is being abused. The Section of 18 U.S.C. 241 prohibit's conspiracy to injure, oppress, threaten or intimidate any citizen in the free excersize or enjoyment of a right or privilege secured to him by the Constitution or laws of the United States extends to conspiracies with the respect to rights and privledges protected by the Fourteenth Amendment and extends to conspiracies otherwise in the scope of this section, participated in by officials alone or in collaboration with private persons. U.S. v. Price U.S. Miss. 1966, 86 S. Ct. 1152, 383 U.S. 787, 16 L. Ed. 2d. 267

The Chief Judge didn't even respond to a majority of all of the petitioners pleadings which were done in good faith by petitioner. On May 29, 2002 a Motion for

Special Prosecutor was submitted by petitioner accompanied with a Memorandum of Points and Authorities which was not answered at all by the Court. The petitioner asked for a Special Prosecutor from outside of the State of Wisconsin to be appointed to investigate death of witnesses, Imperial Klans of America Knights of the Ku Klux Klan and other white supremacy groups membership as federal bureau of prisons employees at the Federal Correctional Institution, Oxford WI. The Federal Western District Court did not give any response, and by that set a precedent for membership into white supremacy hate groups using petitioner as an example of what respondents can get away with. (A115)

The petitioner was pleading prison conditions both criminal and civil violations of federal law in all pleadings. The petitioner was seeking also relief of an investigation and discovery pertaining to the incidents at the Federal Correctional Institution, Oxford WI, and that was all denied. There was no formal order or opinion by the Chief Judge in the district court nor the court of appeals judges on the terrorism nor criminal violations of federal law pursuant to the United States Titles in the pleadings and appeal briefing. Petitioner was prepared to present more evidence and if given legal counsel petitioner would have amended the pleadings correctly, and testified under oath in front of a federal judge pursuant to the Federal Rules of Criminal Procedure Rule 3 and 4 (a)(b)(1), for warrants. Knowing that petitioner is pro se, petitioner pleadings are to be constructed liberally and held to less stringent standards than formal pleadings drafted by lawyers. Haines v. Kerner, 404 U.S. 519.30 Led. 2d 652.92 S. Ct. 594 (1972); U.S. v. Sanchez, 88 F3d 1243 (D.C. Cir. 1996) Courts will go to particular

pains to protect pro se litigants against consequences of technical errors if injustice would otherwise result.

Conclusion

I respectfully pray to the United States Supreme Court to grant the Writ of Certiorari.

DATED this 31st day of May 2003.

Mr. Rickey Townsend
Pro Se Petitioner

Post Office Box 912
520 Lee Street
Wisconsin Rapids, WI 54494
(715) 424-4246

Subscribed and Sworn to before me
this 31st day of MAY, 2003

William F. Gardiner
Notary Public
My Commission is permi...

WILLIAM F. GARDINER NOTARY PUBLIC STATE OF WISCONSIN

Supreme Court, U.S.
FILED

(2)

03 164 JUN 2 - 2003

NO.

IN THE

SUPREME COURT OF THE UNITED STATES

Rickey Townsend

v.

Wade Renstrom,
James Gold,
David Hoffmann et.al.

Appendix
On Petition for Writ of Certiorari
to the United States Court of Appeals
for the Seventh Circuit

Pro Se Petitioner
Mr. Rickey Townsend
Post Office Box 912
520 Lee Street
Wisconsin Rapids, Wisconsin 54495
(715) 424-4246

41 PP

App. 1

APPENDIX A111

United States Court of Appeals kh/kl

For the Seventh Circuit
Chicago, Illinois 60604

January 14, 2003

Before

Hon. WILLIAM J. BAUER, *Circuit Judge*

Hon. JOHN L. COFFEY, *Circuit Judge*

Hon. FRANK H. EASTERBROOK, *Circuit Judge*

RICKEY TOWNSEND, Plaintiff-Appellant, Nos. 02-2714 & 02-2715 v. FEDERAL BUREAU OF PRISONS, DAN MANDERS, JAMES GOLD, et al., Defendants-Appellees.	] Appeals from the United States District Court for the Western District of Wisconsin.]] No. 01 C 573]] Barbara B. Crabb,] Chief Judge

The following are before the court:

1. DEFENDANTS-APPELLEES' MOTION TO DISMISS APPEALS OR, IN THE ALTERNATIVE, FOR SUMMARY AFFIRMANCE OR TO STRIKE THE APPELLANT'S BRIEF AND APPENDIX, filed on December 12, 2002, by counsel for the appellees.

2. MOTION TO STRIKE APPELLEES MOTION TO DISMISS APPEALS, OR IN ALTERNATIVE FOR SUMMARY AFFIRMANCE OR TO STRIKE THE APPELLANT'S BRIEF AND APPENDIX, AND THE

AFFIDAVIT SUBMITTED BY US ASSIST. ATTORNEY STEVEN PRAY O'CONNOR, LEGAL DEFENSE TEAM FOR THE FIVE FEDERAL APPELLEES, JAMES WAYMAN, KEITH O'NEAL, STEVE LENTZ, JUDY L. DEWAR AND DAVE SHY, filed on December 19, 2002, by the pro se appellant.

IT IS ORDERED that #1 is GRANTED to the extent that this appeal is SUMMARILY AFFIRMED.

Disability advocate Crystal Gallego is ORDERED to show cause within 14 days why this court should not commence disciplinary proceedings for unauthorized practice of law.

App. 3

APPENDIX A112

IN THE UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF WISCONSIN

. . . . . .

MR. RICKEY TOWNSEND,

ORDER

Plaintiff,

01-C-573-C

v.

THE FEDERAL BUREAU OF PRISONS; THE FEDERAL CORRECTIONS INSTITUTION, OXFORD, WI.; CHRISTOPHER ERLEWINE; FORMER WARDEN PERCY H. PITZER; WARDEN R. L. STIFF; JAMES WAYMAN; GREG LISKA; LENNY GRAVES; WADE RENSTROM; DEB PASKE; DIRK RODGERS; MIKE MOORE; KEITH O'NEAL; JUDY (LANGHURST) DEWAR; GARY THOMPSON; SYLVIA ODONEZ; GERALD ROCCA; THEADOR EDGECOMB; DIANE RICHTER; GARY DRINKWATER; TWO JOHN DOE (Control Center Officers at the Federal Correctional Institution, Oxford, WI.); THOMAS HAYES PH.D.; MARY ELLEN LUNSTRUM; ANN B. SHINDELL; ROBERT TOMLINSON; ARRON PHILLIPS; RICHARD LAABS; BRUCE BOERCHERT; MIKE KLIWITTER; PHIL CAVES; MR. ZEUS; RAY STONE; MARVIN THOMPSON; MRS. BOERCHERT; BILL LUNSTRUM; TOM HUBER; DAVE SHY; RICHARD LABBS; BILL MAURER; RANDY WAITE; UNITY HEALTH INSURANCE; DR. JAMES REED; HESS MEMORIAL HOSPITAL; MILE BLUFF CLINIC; DAN MANDERS; DR. DAVID HOFFMANN; SANDY (Dr. David Hoffmann's Nurse at Mile Bluff Clinic); DR. JAMES LOGAN; DR. LEON

RADANT; DR. KEITH NESS; DR. DAVE METZLER;
DR. JOHN MARSHALL; DR. JAMES MARTIN;
DR. GARY BRIDGEWATER; DR. BACKONJA; DR. TIMOTHY
HINTON; OFFICE OF WORKERS COMPENSATION PROGRAMS
at Chicago and Washington D.C. branch offices; JAMES HILL;
MARY BENTON; MILES MALONEY; MIKE McCALLEY;
STEVE LENTZ; JEANNY TURNER; JAMES GOLD; BOB
FARBER; DEPUTY YOUR; RICHARD STEADTLER;
SCOTT CAMPBELL,

Defendants.

- -

On October 9, 2001, plaintiff Rickey Townsend filed a proposed complaint in this court in which he contends that he has been discriminated against on the basis of his race (African-American) and that defendants have conspired either to kill or harm him because he was a possible witness in a federal criminal proceeding or to cover up the attempt to end his life. Initially, plaintiff requested leave to proceed in forma pauperis in this action and I denied the request because plaintiff did not meet the indigency standards of this court. On October 26, 2001, plaintiff paid the fee for filing his complaint.

Now plaintiff has filed a number of other documents with the court. In one document, he advises the court that he is having difficulty serving his complaint on the defendants because some of them are no longer employees of the Bureau of Prisons, the Office Workers Compensation Program or the Federal Bureau of Investigation, and he does not know where to find them. Plaintiff requests "subpoenas signed by a judge" to force the

Federal Bureau of Prisons and the Office of Personnel Management to reveal the whereabouts of its former employees. He also requests an enlargement of time in which to serve the defendants with his complaint.

Second, plaintiff asks that this court put under seal a cassette tape recording he submitted with his complaint allegedly containing evidence of a conspiracy between the Federal Correctional Institution in Oxford, Wisconsin and "several doctors at the Hess Memorial Hospital and other outside agencies" to conceal an attempt to poison plaintiff on October 11, 1995 and on other "possible occasions."

Third, plaintiff has submitted a one-page document titled "Amendment," from which it appears he wishes to add as defendants to his lawsuit Jim Drinkwater, a UNICOR foreman at the Federal Correctional Institution in Oxford, Wisconsin; the Wood County Sheriff's Department; R.M. Starks, a deputy sheriff of the K-9 unit at the Wood County Sheriff's Department, Ferrell Gas, a petroleum company in Wisconsin Rapids, Wisconsin; "Henry," a furnace technician of Ferrell Gas; William D. Mason, a prosecuting attorney in Cuyahoga County, Ohio; and the Wood County Telephone Company.

Fourth, plaintiff has submitted a packet of a photocopied and original papers that appear to be intended either as attachments to plaintiff's complaint or as evidence to be used at a later date.

Finally, plaintiff has submitted a letter dated January 29, 2002, in which he requests

appointment of counsel to represent him and a court order directing that his "advocate," Ms. Crystal Gallego, be placed in the United States Witness Protection Program on the ground that she "has had several attempts on her life because she assisted [plaintiff] in filing this [case]."

A close reading of plaintiff's complaint, together with the documents plaintiff has submitted since filing his complaint, convinces me that plaintiff's conspiracy claim should be dismissed on the court's own motion pursuant to 28 U.S.C. § 1915(e)(2) because the claim is legally frivolous. A frivolousness finding is appropriate when the facts alleged are "clearly baseless," meaning fanciful, fantastic, delusional, irrational, or wholly incredible. Denton v. Hernandez, 504 U.S. 25, 32-33 (1992).

Plaintiff's complaint consists of 83 single-spaced paragraphs of allegations and several hundred pages of exhibits. The centerpiece of plaintiff's complaint is his claim that in January 1993, when he was an officer at the Federal Correctional Institution in Oxford, Wisconsin, prison officials deliberately housed together two inmates who were known to pose a danger to each other and ignored plaintiff's requests to have them separated. A short time later, when one of the inmates attempted to murder the other and criminal charges were brought against the inmate aggressor, plaintiff made himself available to testify against the Bureau of Prisons at the criminal trial and at the trial of any civil case the injured inmate might bring. Plaintiff is convinced that because of his willingness to act as a witness against

the Bureau of Prisons, he became the subject of a conspiracy to have him murdered and discredited in his job.

Plaintiff alleges that the first criminal prosecution occurred between November 1993 and January 1994. He was not called as a witness. He alleges in bald and conclusory terms that during this time, staff members conspired with inmates to "threaten and cause him bodily harm." He does not allege that he was harmed and he does not allege what form the threats took. He alleges also that in December 1994, the Court of Appeals for the Seventh Circuit overturned the inmate's criminal conviction and granted him a new trial and that in January 1995, the assaulted inmate filed a claim under the Tort Claims Act to recover for the Bureau of Prisons' alleged failure to protect him from harm.

The new criminal trial was held in June 1995. Plaintiff was put on the defendant's witness list but was never called to testify. Around this time, plaintiff alleges that "staff" conspired to have him terminated from his job by offering him a trainee position as a cook foreman in the kitchen supervising a far greater number of inmates than a white foreman would have had to supervise. He alleges that an attempt was made to "set [him] up" because he played by prison rules when he refused to allow inmates to take food out of the food service area but witnessed other officers allowing inmates to take food back to their cells to sell and make a profit. Finally, plaintiff alleges that on October 11, 1995, he was "retaliated and discriminated against" when "Oxford staff" conspired to murder him by poisoning his

coffee. On February 6, 1996, plaintiff applied for a disability retirement because his sick leave and annual leave had run out.

From this point on, the "conspiracy" has grown to include 1) the Adams County Sheriff's Department, which in May 1996, "falsely accused plaintiff of wire tapping people's homes"; 2) employees of the office of Federal Workers Compensation, who in October 1996, "forced [plaintiff] to move to Madison to get [him] out of the city of Adams so [plaintiff] wouldn't have contact with any coworkers who might know something about the coffee incident or might ask [plaintiff] about what had happened to [him]"; 3) doctors from Madison and the University of Wisconsin, who "prescribed" in January 1997, that plaintiff move to an area with more people to help plaintiff with "W/C disorder"; 4) plaintiff's private attorney, who held plaintiff's evidence for three years to "stop [plaintiff] from getting proper legal representation"; 5) Workers Compensation employees, who terminated plaintiff's worker's compensation benefits in August 1997; 6) FBI agents who investigated plaintiff in November 1997, for allegedly impersonating a United States Marshal; 7) Federal Worker's Compensation personnel and a medical provider, who tampered with plaintiff's medication in August 1998, to give him Grand Mal seizures; 8) a doctor who told plaintiff's advocate and friend, Crystal Gallego, in November 1999, that plaintiff could "detox" at home when in fact that was dangerous and who conspired with "OWCP" to over medicate plaintiff with the "intent to kill . . .to conceal the evidence about [his] poisoning"; 9) a second private

attorney who conspired with doctors and staff from FCI Oxford in April 2000, to "deliberately come to [plaintiff's] home from the state of Ohio to gather information and evidence pertaining to the poisoning of 10/11/95 and other events of harassment," and who refused to sue plaintiff's first private attorney for damaging plaintiff's credit; 10) a woman not named as a defendant who conspired with John and Jane Does at FCI Oxford in May 2000, to get someone to stomp on the roof of plaintiff's mobile home in Wood County to frighten Crystal Gallego into leaving plaintiff and not helping him with his case; 11) unknown individuals who cut gas lines on plaintiff's vehicles on two consecutive days in July 2000; 12) various doctors, who from August to November 2000, failed to document that plaintiff had been poisoned and diagnosed plaintiff with panic disorder in an effort to cover up the poisoning; 13) doctors who lied in medical records in January 2001, to say that plaintiff was brought to the hospital on the day of his poisoning in an ambulance rather than a government sedan; 14) a doctor, a Jane Doe dispatcher and other members of the Adams County Sheriff's Department, who conspired in January 2001, to give plaintiff a traffic ticket when he was leaving the Mile Bluff Clinic in Mauston, Wisconsin, in an effort to make him lose his driver's license, which would then stop him from seeking legal counsel and getting proper medical treatment; 15) an officer of the Wisconsin Rapids Police Department, who conspired with John and Jane Does at FCI Oxford in February 2001, to give plaintiff a second traffic ticket in Wisconsin Rapids, again with the hope that he would lose his driver's

license; 16) an employee of the Ferrell Gas company, who tampered with plaintiff's gas furnace in February 2001, with the intent to murder him and Crystal Gallego; 17) the Wood County Sheriff's Department, which refused in February 2001, to conduct an investigation of the attempted murder by the furnace technician; 18) the current warden at FCI Oxford, who in May, June and August 2001, respectively, refused to allow plaintiff to have contact with inmate families, meet with him in his office and bring Ms. Gallego with him, or review plaintiff's evidence of his own poisoning or evidence showing that black inmates have been poisoned at the prison; and 19) unknown individuals, who put something in the gas tank of plaintiff's car in September 2001, to prevent plaintiff from getting to the post office to mail an EEO complaint form."

In the attachments to plaintiff's complaint is a copy of an "emergency room note" written by Dr. Radant, whom plaintiff has sued as a conspirator in the plot to cover plaintiff's attempted murder. In the note, Dr. Radant notes that plaintiff's primary physician, also a defendant, has diagnosed plaintiff with panic disorder. Among other things, Dr. Radant states,

> [Plaintiff] . . . presents to the ER for evaluation of multiple symptoms. He has been admitted to this institution times two, the first time in October, 1995 with hyperventilation and anxiety symptoms. Again, in November, 1995, he as [sic] admitted with a diagnosis of chest pain, rule out MI. His usual physician is Dr. Hoffmann who has assigned a diagnosis of panic disorder. . .[Plaintiff] is currently on Xanax which he finds to, perhaps aggravate his symptoms and he is suspicious of his medicines as causing his difficulty. He

> relates himself as being healthy up until October of this year when he drank some cold coffee at his work place, the Oxford Prison. He suspects he was poisoned on that occasion and is frustrated that this coffee was never checked out. Reviewing his record would suggest that his symptoms of diffuse complaints begin long before this, even into 1992.
>
> * * *
>
> Obviously, [plaintiff] has difficulty accepting a diagnosis of panic attack. He has multiple conversion symptoms. He has difficulty accepting use of medication to help him with this, being suspicious of his medication as being responsible for his many symptoms and, yet, his symptoms are ongoing, troublesome and migratory when he is off medication. Obviously, his investigations are now becoming multiple and replete. I encourage him that he maintain his counsel with a single primary care physician, in Dr. David Hoffmann, who seems to have established a good relationship and, I believe, has clearly established a diagnosis. He is now, I think, in a process of shopping for still further opinions which I believe to be both inappropriate and expensive. His trip to the ER clearly unauthorized and inappropriate. I made no change in his medication. He has an appointment this coming Wednesday with Dr. Hoffmann at the clinic.

Plaintiff admits in his complaint that he has been seen by psychologists and that he spent "a week or two at a psych ward in La Crosse, Wisconsin" (Complaint ¶54). He has a diagnosis of panic disorder. Whether his disorder is real or fabricated by others as part of a conspiracy, as plaintiff alleges, I conclude that it is wholly incredible, fanciful and delusional to believe that the seventy-seven individuals, government entities and business entities plaintiff names as defendants, including thirty-seven individuals at the Oxford Correctional Institution, three lawyers from three different cities and two different states, a furnace technician and his business employer, doctors, psychiatrists and medical staff at

four hospitals and two clinics, a state vocational counselor, an insurance company (named as a defendant but not mentioned in the complaint), the office of Workers Compensation programs in Chicago and Washington, D.C., the Adams County and Wood County Sheriff's Departments, two agents of the FBI, a prosecuting attorney in Cayahoga County, Ohio, and the Wood County Telephone Company, have conspired over a 10-year period to discriminate against plaintiff because of his race and murder, harass or harm him for his knowledge that Oxford prison officials allowed two inmates known to be dangerous to each other to be celled together in 1993. Therefore, pursuant to 28 U.S.C. § 1915(e)(2), I will dismiss plaintiff's conspiracy claim as legally frivolous.

Plaintiff's complaint also alleges several incidents of race discrimination taking place between 1991 and 1993 that appear to be unrelated to his conspiracy claim. These incidents of race discrimination are set forth in paragraphs 1, 2, 4, 8, and 19 of plaintiff's complaint.

In paragraph 1, plaintiff alleges that he began work as a correctional officer trainee at the Federal Correctional Institution in Oxford on December 30, 1991 and was promoted to a GS-7 level on June 28, 1992. He states that when he asked for a lateral "promotion" to another GS-7 position, defendants Steve Lentz, Judy (Langhurst) Dewar and Keith O'Neal told him that he needed one year's experience before he could apply for the move, when white employees moved to other positions within 6-8 months after a promotion.

In paragraph 2, plaintiff alleges that white staff at the institution were allowed to take

training programs without prepaying programming costs, and that plaintiff was required to prepay his training costs in March 1992, that Mr. Pickens and Mike Ingrim denied him full reimbursement of those costs.

In paragraph 4, plaintiff alleges that in October 1992, he asked to join the Special Operations Response Team at the institution, but his request was denied by defendant Shy and a prison official named Swanson for the reason that plaintiff did not have at least two years' employment with the Bureau of Prisons. Plaintiff alleges that white staff that began work with the bureau at the same time plaintiff did were accepted on the team.

In paragraph 8, plaintiff alleges that defendant Wayman arranged to have plaintiff assigned to a job inside the institution after his 1-year probationary period in December 1992, while the four white correctional officers that started with plaintiff were assigned to less dangerous positions outside the institution.

In paragraph 19, plaintiff alleges that in March 1993, he requested promotion to GS-8 and was told he would not qualify for that level until he had been at the GS-7 level for one year. He alleges that white staff members got promoted within 6-8 months.

These allegations of race discrimination are not incredible on their face and I will not dismiss them out of hand. However, there are a number of hurdles plaintiff will have to cross in order to continue to prosecute them.

First, as noted above, the following persons are alleged to have committed the

discriminatory acts described in paragraphs 1, 2, 4 and 8: Steve Lentz, Judy (Langhurst) Dewar, Keith O'Neal, D. Pickens, Mike Ingrim, Lt. Shy, Swanson and J. Wayman. Plaintiff has not named D. Pickens, Mike Ingrim or Swanson as defendants and he does not allege who discriminated against him with respect to the claim made in paragraph 19. Plaintiff will have to identify the responsible party or parties with respect to the claim made in paragraph 19 and he will have to amend the caption of his complaint to identify them as well as the other defendants named in paragraphs 1,2, 4 and 8 of his complaint.

Second, plaintiff appears to be aware that pursuant to Fed. R. Civ. P. 4, he has 120 days from the date he filed his complaint on October 26, 2001, in which to serve the defendants and that 120 days expires on February 25, 2002. He has requested an enlargement of time in which to serve his complaint and that I sign subpoenas requiring the Bureau of Prisons and other agencies to reveal the current whereabouts of its former employees. It is not clear whether the few defendants that will remain in this lawsuit following this order have been served with a summons and a copy of plaintiff's complaint or whether they are among those plaintiff cannot locate. In any event, I will deny plaintiff's request for subpoenas signed by a judge that would require the Bureau of Prisons to divulge the whereabouts of these individuals if they are no longer Bureau of Prisons employees. I am unaware of any authority for issuing such subpoenas in the context of a civil lawsuit and plaintiff has provided none. If plaintiff is unable to locate and serve these defendants on or

before February 25, 2002, the lawsuit will be dismissed as to them.

Third, plaintiff does not allege that he is bringing his race discrimination claims under Title VII and he has not submitted a right to sue letter showing that any claim he might have under Title VII has been timely filed in this court. Therefore, I assume plaintiff is making his race discrimination claims under 42 U.S.C. § 1983. The statute of limitations on claims brought under § 1983 is six years. That limitations period may be waived if the defendants do not move promptly to dismiss on that ground. Therefore, it is improper for a court to dismiss a plaintiff's claims on its own motion simply because the claims fall outside the statute of limitations. Nevertheless, plaintiff should be aware that even though I am allowing the claims set out in paragraphs 1, 2, 4, 8 and 19 to go forward initially, there is a high probability that the defendants will move to dismiss them immediately on the ground that they fall outside the statute of limitations.

Plaintiff's request that this court put under seal a cassette tape recording relating to his conspiracy claim will be denied as unnecessary. Because I am dismissing plaintiff's conspiracy claim, there is no need to retain evidence of the alleged conspiracy in the court's record. The tape is being returned to plaintiff with a copy of this order.

Also, because I am dismissing plaintiff's conspiracy claim, plaintiff's motion to amend his complaint to add more alleged conspirators as defendants will be denied.

Finally, I will deny plaintiff's requests for appointment of counsel and a court order

directing that his "advocate," Ms. Crystal Gallego, be placed in the United States Witness Protection Program on the ground that she "has had several attempts on her life because she assisted [plaintiff] in filing this [case]." I have no authority to place an individual in the Federal Witness Protection Program. The discretion to place individuals in the program is confined to the United States Department of Justice.

Appointment of counsel in civil cases is appropriate where the issues are complex in relation to the plaintiff's ability and where counsel is likely to make a difference in the outcome of plaintiff's lawsuit. Zarnes v. Rhodes, 64 F.3d 285 (7th Cir. 1995), citing Farmer v. Haas, 990 F.2d 319, 322 (7th Cir. 1993). Plaintiff's delusional thinking is a clear impediment to his prosecuting his claims on his own. However, given the likelihood that plaintiff's remaining claims will be dismissed promptly on the ground that they are barred by the statute of limitations, appointment of counsel will not make a difference in the lawsuit's outcome.

ORDER

IT IS ORDERED that

1. Plaintiff's request for "subpoenas signed by a judge" is DENIED;

2. Plaintiff's request for an enlargement of time in which to serve the defendants with his complaint is DENIED. Plaintiff has until February 25, 2002, in which to amend his

complaint to include in the caption of his complaint as defendants, D. Pickens, Mike Ingrim, and Swanson and the individual or individuals responsible for the alleged race discriminatory act described in paragraph 19 of his complaint and to submit proof of service of his complaint upon these defendants and defendants Steve Lentz, Judy (Langhurst) Dewar, Keith O'Neal, Lt. Shy and J. Wayman. If, by February 25, 2002, plaintiff fails to amend the caption of his complaint and submit proof of service of his complaint on these defendants, I will dismiss the case.

3. Plaintiff's request that this court put under seal a cassette tape recording he submitted with his complaint allegedly containing evidence of a conspiracy is DENIED. The tape is enclosed to plaintiff with a copy of this order.

4. Plaintiff's motion to amend his complaint to add as defendants to his conspiracy claim, Jim Drinkwater, a UNICOR foreman at the Federal Correctional Institution in Oxford, Wisconsin; the Wood County Sheriff's Department; R.M. Starks, a deputy sheriff of the K-9 unit at the Wood County Sheriff's Department, Ferrell Gas, a petroleum company in Wisconsin Rapids, Wisconsin; "Henry," a furnace technician of Ferrell Gas;

William D. Masón, a prosecuting attorney in Cuyahoga County, Ohio; and the Wood County Telephone Company is DENIED.

5. Plaintiff's requests for appointment of counsel and a court order directing that his "advocate," Ms. Crystal Gallego, be placed in the United States Witness Protection Program are DENIED;

6. Pursuant to 28 U.S.C. § 1915(e)(2), plaintiff's conspiracy claim is DISMISSED from this lawsuit as legally frivolous. This means that plaintiff's complaint is dismissed with respect to all portions except paragraphs 1, 2, 4, 8 and 19.

7. Finally, all defendants are DISMISSED from this case except defendants Steve Lentz, Judy (Langhurst) Dewar, Keith O'Neal, Lt. Shy and J. Wayman.

Entered this 8th day of February, 2002.

BY THE COURT:

Barbara B. Crabb

BARBARA B. CRABB
District Judge

APPENDIX A113

FILED

FEDERAL WESTERN DISTRICT COURT OF WISCONSIN

2002 FEB 15 PM 1:15

RICKEY TOWNSEND

J W SKINNER
CLERK US DIST COURT

Plaintiff,

CASE No: 01-C-0573-C

vs.

THE FEDERAL BUREAU OF PRISONS, ET AL.

Defendants.

MOTION TO RECONSIDER

On October 9, 2001, I Rickey Townsend filed a proposed complaint in this honorable court in which I allege that I was discriminated against on the basis of race (African American) and the defendants have conspired either to kill or harm me on October 11, 1995 at the Federal Correctional Institution, Oxford WI in the Waupaca Unit (a secured unit away from inmates) through coffee offered to me by Unit Manager James Wayman and there was a conspiracy to cover up the poisoning by the other listed defendants. Which falls under Civil Action for deprivation of rights under 42 U.S.C. 1983 which the statue of limitations is six years. This claim also falls under 42 U.S.C. 1985.(1)(2)(3) Conspiracy to interfere with Civil Rights. Numbers (1-44) on the background of my civil complaint it mentions United States vs. Luis Perez because it along with other activities at FCI Oxford show a pattern of racial discrimination and witness tampering under 42 U.S.C. 1985.(2)Conspiracy to interfere with Civil Rights and also the 1986. Action for neglect to prevent along with Bureau of Prisons Policy violations. I would like

to clarify for the court that I did not volunteer to testify in the United States vs. Luis Perez case I was on a subpoena list for the Defense because I was the Dane Unit officer. (filed with the court October 9, 2001)

I have filed on several occasions evidentiary documents with this honorable court to substantiate my claims basing my civil complaint on being poisoned in the Waupaca Unit by Unit Manager James Wayman at the Federal Correctional Institution, Oxford WI within the scope of my employment. I do have other evidence to substantiate my allegations of my civil rights being violated under 42 U.S.C. 1983 and a conspiracy to cover-up the poisoning by the defendants listed under 42 U.S.C.1985(1)(2)(3) which I have timely filed with this honorable court on October 9, 2001.

In the order dated February 8, 2002 the Honorable Judge Crabb states " Plaintiff requests "subpoena's signed by a judge " to force the Federal Bureau of Prisons and the Office of Personnel Management to reveal the whereabouts of its former employees. He also requests an enlargement of time in which to serve the defendants with his complaint."(p.3) The Honorable Judge Crabbs goes on to state " I am unaware of any authority for issuing such subpoenas in the context of a civil lawsuit and plaintiff has provided none." (p.12) I am confused at these statements I would like to respectfully ask the court to re-address this issue of subpoena's dealing with Office of Personnel Management and the Federal Bureau of Prisons . On January 7, 2002 I was

given Subpoena's to issue to Office of Personnel Management, U.S. Parole Commission, The Federal Bureau of Prisons and Office of Workers Comp. Programs after my requesting the honorable court for them to obtain where to locate defendants to serve them in a timely manner pursuant to Fed. R. Civil P. 4. It is not my fault that Office of Personnel Management is obstructing service along with the Federal Bureau of Prisons. I have made every attempt to timely serve the defendants I requested this honorable court for an extension of time because OPM will not honor the Subpoena's if they are not "signed by a judge", I have never agreed with OPM on that issue because as long as the Judge has given there authority to the Deputy Clerk of the court and there is an order for subpoena's to be issued to the parties there should not be a problem. On December 21, 2001 I filed with your honorable court a copy of the Office of Personnel Management policy where it states " subpoena signed by a judge" which was entered into court file before subpoena's were issued to me. I am asking this honorable court to re-consider my request for a 90 day extension to serve defendants listed in my civil complaint. I have filed Pro-Se and have a disability and have asked this honorable court for legal representation because of the severity of my case US V. Sanchez, 88 F3d 1243 (D.C.Cir.1996).

Which brings me to another point with this honorable court regarding 28 U.S.C. sec.1915 (e)(2). Under this statue it states in order for the claim to be considered " frivolous or malicious " The civil action or proceeding would have to be brought on

three or more prior occasions at any court of the United States by a prisoner whom is incarcerated. I believe this court error because I am a former senior corrections officer not a prisoner whom is incarcerated. I had applied for forma pauperis on October 9, 2001 at the time of original filing yet was denied by this honorable court on October 25, 2001. I paid my filing fee of $150.00 on October 26, 2001 the next following day. Sec. 1915 is used for individuals whom are filing forma pauperis or have proceedings in forma pauperis and incarcerated prisoners. I should not apply under that statue if I was denied forma pauperis and I am not a prisoner. Even if I was a prisoner my case could not be dismissed under this statue because I would have had to have brought a civil action or proceeding on three or more prior occasions at any court of the United States.

I would like to request respectively that this honorable court to re-consider my conspiracy claim under 42 U.S.C. 1985 (1)(2)(3). The main basis in my civil rights, discrimination claim and conspiracy claim is the poisoning that occurred on October 11, 1995 within the scope of my employment by Unit Manager James Wayman my white Supervisor in the Waupaca Unit at the Federal Correctional Institution Oxford WI. On the background of my civil complaint number (45) it states" I was retaliated and discriminated against when I had been requested to work V...paca Unit, by the Unit Manager Jim Wayman. FCI Oxford staff conspired with the deliberate intent to commit murder by poisoning through coffee."

On the background on the civil complaint it also has under number (51) " I filed for Federal Workmens Comp for October 11, 1995, work injury. In this report I mention Mr. James Wayman, as the person offering me the coffee. Mr. Dirk Rodgers (Safety Specialist) contacted James Wayman and stated to him that I mentioned Dirk Rodgers, Gary Drinkwater, Deb Pasky and him in the OWCP report. " in the OWCP claim filed February 6, 1996 (filed with honorable court on October 9, 2001) it states " Question number #5 Why do you feel that your job activities contributed to your condition?" (p.3) My response is dated February 15,1996 " I have never been sick or had an illness until 10/11/95. I have all ways been healthy. I was fine until I was offered some coffee by the Unit Manager of the Waupaca, Mr. Wayman. I drinked 2-cups of coffee out of the unit secretary office that was institution coffee. After that I was diagnosed as having anxiety with panic disorder and have not been right since 10/11/95. I have all ways been a good worker and I wanted to become an Special Investigation Supervisor for the Bureau of Prisons. Now I feel like that my whole career has been ruined over 2-cups of coffee." (p.5) That is exactly what happened after eleven years in the United States Military and six years with the Bureau of Prisons my career and health have been ruined over the poison that was in that coffee in the Waupaca Unit at my job FCI Oxford. The background of my complaint is showing a pattern of the same individuals Mr. James Wayman, Lt. Renstrom, Lenny Graves, Steve Lentz, Lt. Shy, Mr. Liska, Keith O'Neal, Judy (Langhurst) Dewar and Dr. Reed discriminating and violating my civil rights.

In the Waupaca Unit there are only four individuals who have keys to the Unit Mr. James Wayman, Richard Labbs, Deb Paske and Steve Routson this is at the time of me being poisoned on October 11, 1995 in this Unit. This is called restricted Lock & Key Control according to the Institutional Supplement OXF-5512.9. I would like to request of this honorable court to allow John Doe/Jane Doe Control center officers from October 10,1995 (evening watch officers) and October 11, 1995 (morning watch officers & day watch officers) names be revealed at the time of discovery Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics, 403 U.S. 388 Since the Bureau of Prisons is not responding to the subpoena issued by this honorable court. These control center officers are the brains of the institution and they control all the keys.

I would like to clarify with this honorable court that I was not in a psych ward because I had a mental illness, but was told by Dr. David Hoffmann, Dr. Metzler and Dr. Hayes (who saw me private practice yet was a former employee of the Bureau of Prisons) to go for medication adjustment. The reasoning behind this was the so called panic attacks where out of control. When in fact it was panic attack like symptoms from the poisoning that occurred on October 11, 1995, through coffee by staff members in the Waupaca Unit located at the Federal Correctional Institution Oxford, WI. This is an interesting topic because in Dr. Radant's (Defendant) " emergency room note" dated January 15, 1996 it states " He has had trials of multiple medications, including Busbar,

Prozac, Zoloft, all which he has apparently, been intolerant to. He is currently on Xanax which he finds to, perhaps aggravate his symptoms and he is suspicious of his medicines as causing his difficulty."(p.1)

This Honorable court doesn't quote my former regular primary care physician Dr. David Hoffmann's (Defendant) medical report written to OWCP dated November 8, 2000 where he states " The patient is leery of treatment with medications, as he has been on multiple medications with little success, and in fact became dependant on Lorazepam, prescribed by his psychiatrist, and rightfully is concerned about being over- medicated."(p.2) Dr. Hoffmann pushes the blame of me being over-medicated on to one of the psychiatrist's yet he was the first one to put me on a prescription narcotic medication on November 28, 1995 (Alprazolam) and kept prescribing me narcotic prescription medication to incompasitate me. I would like to note to this Honorable court that Dr. David Hoffmann is not a board certified psychiatrist licenced to practice in Wisconsin never less anywhere in the United States of America is he a board certified psychiatrist. Dr. David Hoffmann along with the other Hess Memorial Hospital defendants listed on my Federal Civil Complaint dated October 9, 2001 conspired to violate my civil rights and cover-up my poisoning dated October 11, 1995 by staff through coffee members in the Waupaca Unit at the Federal Correctional institution, Oxford WI under 42 U.S.C. 1983 and 42 U.S.C. 1985 (1)(2)(3) by deliberately and intentionally labeling me with a mental illness one day after the

poisoning. The medication that was used as trails on me for so called Anxiety and Panic Disorder were used to cover-up the symptoms I was experiencing from the poisoning. An example of this is Dr. David Hoffmann prescribing Klonopin which can be used to control Seizures and be used for Panic Disorder. Dr. Stuart Shipko's medical report states " The records also note cognitive impairment and the possibility of a seizure disorder"(p.5) Ever since the poisoning I have told Dr. Hoffmann et al doctors at Hess Memorial Hospital, Staff and Doctors affiliated with Hess Memorial Hospital such as Doctor's from the University of Wisconsin Hospital & Clinics about my poor physical health resulting ever since I was poisoned on October 11, 1995 through coffee by staff at the Federal Correctional Institution, Oxford WI. I would like to clarify with the court at this time that I am not stating four Hospital's conspired against me there must be an error of interpretation on the honorable courts behalf. The University of Wisconsin Hospital & Clinics and Guntheran Lutheran Hospital Doctors I seen was at Mile Bluff Clinic which is attached to Hess Memorial Hospital and are affiliates of Hess Memorial Hospital. I even saw Dr. Hayes at Mile Bluff Clinic, only once I saw him at Pauquette Center.

I have concerns on to weather this honorable court is receiving all the evidence I have filed? The honorable Judge refers to Dr. Leon Radant (Defendant) quoting an emergency room report where he clearly states that Dr. David Hoffmann (Defendant) made a clear diagnoses of Panic Disorder. The honorable Judge has not mentioned

any of the medical reports from doctors Dr. Stuart Shipko Psychiatrist, Dr. Harihara Mehendale Toxicologist, Dr. Richard Lipsey Toxicologist that say I was poisoned on October 11, 1995 at the Federal Correctional Institution, Oxford WI. In one medical report, Dr. Lipsey states " It is my professional opinion as a toxicologist that Mr. Townsend was poisoned on 10-11-1995 based on lack of any preexisting similar condition and the immediate and chronic symptoms he developed"(p.1) In another medical report, Dr. Shipko states " Given that his kidneys are showing signs of damage, that his muscles were damaged and that he had a metabolic acidosis, it would seem that poisoning is not all that unlikely a cause of his condition. This would also explain his cognitive decline and the possible seizure disorder that he has. It would also explain why none of the medications for panic disorder have been of help to Mr. Townsend." (P.4) In another medical report, Dr. Mehendale states, " Mr. Townsend's symptoms are consistent with metal poisoning. General ill feeling due to GI disturbance, muscle spasms and tingling sensation in the extremities are common with metal poisoning. Tightness of the chest is consistent with muscular effects of metal poisoning, tachycardia, and tingling tingling sensation in the fingers are characteristic of metal poisoning. Upon acute exposure, some of the acute poisoning symptoms could be masked by the presence of mixtures of metal salts." (p.4) " On the day of the ' coffee' incident, Mr. Townsend exhibited symptoms of poisoning within 20 minutes. Relatively rapid onset of poisoning symptoms is characteristic of metal poisoning." (p.5)

When I read this order issued February 8, 2002 I see a one sided view, as if my evidence wasn't taken into consideration by this honorable court. That brings me to question why my complaint is cut down to only five defendants which all are retired except for two Bureau of Prisons employees which I quote the honorable Judge as stating " If, by February 25, 2002, plaintiff fails to amend the caption of his complaint and submit proof of service of this complaint on these defendants, I will dismiss this case." (p.15) As I stated in my letter to the Honorable Judge dated January 29,2002 " I sent all the defendants that I have addresses for there packets US. Certified Mail which the defendant has 15 days with three attempts to sign. I have a lot of the addresses for the Hospitals and Attorney's the main concern I have is present and former Bureau of Prisons employees." I have the return receipts of service for Mr. James Wayman and Lt. Shy yet no Waiver of Service of Summons has come back signed from them as of the present date. I was issued Subpoena's by this honorable court for the purpose of finding former defendants through the Office of Personnel Management on January 7, 2002 yet they are not willing to provide me there addresses so that I can serve them a packet (federal complaint & Wavier of Service of Summons). I don't understand why I can't send all the packets to the United States Attorney's Office since Federal Bureau Prisons present and former employees refuse to respond through US. Certified Mail under Fed. Civil. R. 4. Also FCI Oxford sent copies of my civil complaint, and subpoenas to MCC Chicago legal department for the attorneys to represent the Bureau of Prisons employees. MCC Chicago then sends copies of the

civil complaint and subpoenas to the Bureau of Prisons Regional Office legal department in Kansas City, MO for representation. The BOP Regional Office sends copies of the civil complaint and subpoenas to the US Attorney's Office in Madison Wisconsin and to the US Department of Justice. The US Department of Justice notifies the Bureau of Prisons Central Office. I also have sent copies of the complaints to the Assistant Director and the Director of the Bureau of Prisons restricted delivery on January 15 and 16, 2002. Which for 16 days these packets where never scanned into the system, and they never made it to Washington until February 4, 2002. It took 20 days for these defendants to get their mail from Plover, WI. The subpoenas to Office of Personnel Management 20 days as well. Sec. 1509. ***Obstruction*** of court orders, Sec. 1702. ***Obstruction*** of correspondence, Sec. 1701. ***Obstruction*** of mails generally. I will be serving the United States Attorney's Office again the Federal Bureau of Prisons employees civil complaint under Fed. Civil R. 4.

I would like to ask this honorable court why I have to provide all of my evidence at this time in the Judicial process? I was under the impression by court clerks that my main evidence will be presented at pre-trial or to counteract motion's to dismiss by the defendants on the civil complaint. I have only received copies of notices to appear on the behalf of defendants to this present date February 15, 2002. However, the Bureau of Prisons and it's former and present federal employee's have not responded at all to

my civil complaint dated October 9, 2001.

I pray that this honorable court do not dismiss my civil claim and conspiracy claim because it has been timely filed. I ask this honorable court to keep defendants James Wayman, Lt. Renstrom, Lenny Graves, Steve Lentz, Lt. Shy, Mr. Liska, Lt. Moore, Keith O' Neal, Judy (Langhurst) Dewar, Bruce Borchert, Deb Paske and Dr. Reed from the Federal Correctional Institution, Oxford WI. I ask this honorable court to also keep defendants from Hess Memorial Hospital & Mile Bluff Clinic on my civil complaint (Dan Manders, Dr. David Hoffmann, Nurse Sandy, Dr. James Logan, Dr. Leon Radant, Dr. Keith Ness and Dr. Timothy Hinton). I would also like to request to keep Thomas Hayes Ph.D whom seen me at Mile Bluff Clinic to remain on my civil complaint.

I also pray to this court to reconsider appointing me legal representation because of the severity of my case. I still am unable to find an attorney to represent me in the state of Wisconsin. I talk to attorneys and provide them copies of my evidence pertaining to this case and come to find out after they deny me that they have conflicts. Note to the honorable court that most attorney's represent union employees, insurance companies, doctor's and the employer. A clear example of this is Corneille Law Group, LLC , they reviewed and got copies of my evidence back in early September 2001, and discussed my case in detail with me. I received a denial letter from there law group and a referral

to another attorney that took my evidence and would not represent me. I just became aware as of February 2002 that this same law group is representing Hess Memorial Hospital. However, when I asked them if they had any conflicts with the defendants listed my Civil complaint they stated NO!

I would like to ask the court on how they came to the decision that " Plaintiff's delusional thinking is a clear impediment to his prosecuting his claims on his own" (p14) I am insulted by that statement the court made on the February 8, 2002 order it took a lot of courage for me file this lawsuit against these defendants. I almost died on October 11, 1995 due to being poisoned in the Waupaca Unit by my white Supervisor. All I wanted to do was become the best in my job at the Federal Correctional Institution, Oxford WI. I did not deserve to be poisoned nor my civil rights violated. I am a well educated African American who served this great United States of America for eighteen years, and would do it again. My dreams have been shattered of being a SIS for the Bureau of Prisons. Why did staff members at FCI Oxford do this, why did the Hess Memorial Hospital conspire to cover-it up? I pray to God that this court will do the right thing and have this go to trial so the truth can be fully discovered and Justice be served. I was a senior correctional officer who followed the policy's of the Bureau of Prisons an have the strict belief that nobody not even an inmate deserves to die by poisoning.

Rickey Townsend (Pro Se)
P.O. Box 912
Wisconsin Rapids, WI 54495

Date: 2/15/02

Crystal Gallego (Disability Advocate)
P.O. Box 912
Wisconsin Rapids, WI 54495
(Helped to prepare this motion because of Mr. Townsend disability)

Date: 02/15/02

BREANNE WIEGEL
NOTARY
PUBLIC
STATE OF WISCONSIN

Breanne Wiegel
2-15-02
com. exp. June 27, 2004
12

APPENDIX A114

DOC NO
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2002 MAR 22 PM 3:29
J W SKUPNIEWITZ
CLERK US DIST COURT
WD OF WI

UNITED STATES FEDERAL WESTERN DISTRICT COURT OF WISCONSIN

RICKEY TOWNSEND

Plaintiff (Pro Se) Appellant

VS.

CASE No: 01-C-0573-C

THE FEDERAL BUREAU OF PRISONS; THE FEDERAL CORRECTIONAL INSTITUTION OXFORD, WI; JAMES WAYMAN; WADE RENSTROM; LENNY GRAVES; STEVE LENTZ; DAVE SHY; GREG LISKA; KEITH O' NEAL; JUDY LANGHURST DEWAR; DR. JAMES REED; BRUCE BORCHERT; DEB PASKE; MIKE MOORE; HESS MEMORIAL HOSPITAL; MILE BLUFF CLINIC; DAN MANDERS; DR. DAVID HOFFMANN; NURSE SANDY; DR. JAMES LOGAN; DR. LEON RADANT; DR. KEITH NESS; DR. TIMOTHY HINTON; THOMAS HAYES PH.D IN THERE OFFICIAL CAPACITY;

Defendants. *Appellees*

MOTION FOR INTERLOCUTORY APPEAL

Plaintiff respectfully moves the court with a petition for permission pursuant to Federal Rule of Appellate Procedure Rule 5 to appeal the order dated February 22, 2002 by this honorable court.

This motion is accompanied by an affidavit of facts and attached copy of the reconsideration dated February 15, 2002 and the order by the honorable court dated February 22, 2002. The affidavit will specify the reasons why the appeal should be allowed and is authorized by a statue or rule.

RESPECTFULLY SUBMITTED this 22nd day of March, 2002.

Rickey Townsend (Pro Se)

Post Office Box 912
Wisconsin Rapids, WI 54495

Crystal Gallego

(Helped Mr. Townsend prepare this request due to his disability)
Disability Advocate
Post Office Box 912
Wisconsin Rapids, WI 54495

CC. United States Attorney's Office
Attorney Steven P. O'Connor
Corneille Law Group, LLC
The Federal Bureau of Prisons Director
All listed Defendants.

Rebecca Hinkley
3-22-02.
Com Exp. 3-13-2006.

APPENDIX A115

DOCKET NUMBER
U.S. DISTRICT COURT
WEST DIST OF WISCONSIN

THE FEDERAL WESTERN DISTRICT COURT OF WISCONSIN

MAY 23 2002

RICKEY TOWNSEND

FILED/RECEIVED
JOSEPH W SKUPNIEWITZ, CLERK
CASE NUMBER

Plaintiff *(Pro Se)*

V. **CASE No: 01-C-0573-C**

**THE FEDERAL BUREAU OF PRISONS;
THE FEDERAL CORRECTIONAL INSTITUTION
OXFORD, WI; STEVE LENTZ; JAMES WAYMAN;
JUDY (LANGHURST) DEWAR; DAVE SHY;
KEITH O' NEAL;**

Defendants.

MOTION FOR A SPECIAL PROSECUTOR

Plaintiff humbly and respectfully moves this honorable court to appoint a Special Prosecutor, pursuant the Ethics in Government Act 28 U.S.C.A. 594(a) United States v. Fernandez, 887 F.2d. 465 (4th Cir. 09/29/1989). The independent counsel provisions of the Act will secure an independent criminal investigation and prosecution without interference, supervision or control by the Department of Justice.

Due to the circumstances and grievous allegations plaintiff has expressed in the pleadings

See. Herald Co., 734 F.2d 93 (2nd Cir. 04/24/1984)*The charges against Klepfer stem from an investigation begun in December 1980 by the Federal Bureau of Investigation into the background and qualifications of Raymond J. Donovan, President Reagon's nominee for Secretary of Labor. Thereafter, a *Special Prosecutor* was appointed to investigate allegations that Donovan, prior to his appointment as Secretary, had committed violations of federal law. On June 11, 1982, a witness in the investigation conducted by the *Special Prosecutor* was murdered. Morrison v. Olson, 487 U.S. 654, 108 S. Ct. 2597, 2604, 101 L. Ed. 2d 569 (1988) (recognizing that the "functions of the independent counsel include . . . appealing any decision in any case in which the counsel participates in an official capacity"). As with other prosecutorial powers granted by the Ethics in Government Act, Congress intended the *special prosecutor* to exercise the power to appeal with independence from the Department of Justice. S. Rep. No. 170, 95th Cong., 2d Sess. 67, reprinted in 1978 U.S. Code Cong. & Ad. News 4216, 4283.*Finally, section 594(a) itself contains "[the] one and only exception to the total independence granted" to independent counsel under the Act, S. Rep. No. 170, 95th Cong., 2d Sess. 67, reprinted in 1978 U.S. Code Cong. & Ad. News 4216, 4283, namely, wiretap authorization. Congress has thus decided that no other exceptions exist to independent counsel's otherwise plenary grant of prosecutorial authority.

it is imperative for this honorable court to act by appointing a Special Prosecutor to investigate and prosecute the present defendants Steve Lentz, Judy (Langhurst) Dewar, Dave Shy, Keith O' Neal and James Wayman. Including the dismissed defendants according to court order dated February 8, 2002, Wade Renstrom, Lenny Graves, Greg Liska, Richard Laabs, Tom Huber, Bill Maurer, Ray Stone, Randy Wait, Mike Klawitter, Bruce Boerchert, James Gold, Richard Steadtler, Dr. James Reed, Deb Paske, Dr. David Hoffmann, Sandy R.N. (Dr. David Hoffmann's assistant), Dr. James Logan, Dr. Timothy Hinton, Thomas Hayes Ph.D, Dr. Leon Radant and Dan Manders .With the special addition of the criminal prosecution of Thomas Johnson.

The conspicuousness of the civil rights violations Ku Klux Klan Act of 1871, 42 U.S.C. 1983, 42 U.S.C. 1986, conspiracy to deprive civil rights 42 U.S.C. 1985(1)(2)(3) claims described in the pleadings dated October 9, 2001 done against plaintiff are the beginning of what lead into criminal activity on the part of the defendants. Criminal actions committed against plaintiff by defendants are: Title 18 Part I Chapter 19 Sec. 372. Conspiracy to impede or injure officer, Title 18 Part I Chapter 19 Sec.373 Solicitation to commit a crime of violence, Title 18

U.S.C. Sec. 1621 Perjury, Title 18 Part I Chapter 51 Sec. 1117. Conspiracy to Murder. Title 18 Part I Chapter 13 Sec. 241. Conspiracy against rights. Title 18 Part I Chapter 13 Sec. 242. Deprivation of rights under color of law (keep in mind that plaintiff is disabled Pro Se litigant, being denied the right to legal counsel court order dated February 8, 2002)

{See. Conspiracy abduction and rape of Madge Oberholtzer: South Bend Tribune14, 16 1925. The account is based on Madge's pretorium affidavit and other depositions in Reports of Cases Decided in the Supreme Court of the State of Indiana (16 May 1933-22 December 1933),205: 166-82; and on testimony from the trial reported in the South Bend Tribune, Indianapolis Times, The New York Times"The D.C. Stephenson Case " in Guilty or not Guilty? (Indianapolis: Bobbs-Merrill, 1952)pp. 77-124. Madge Oberholtzer was raped and denied medical attention by Grand Dragon of the Indiana Klan D.C. Stephenson. Madge Oberholtzer died on April 14,1925 from mercuric chloride completely compressed her system, being denied medical treatment by D.C. Stephenson she had no hope of recovery. D.C. Stephenson's political career was over and he was sentenced November 11, 1925 to prison and Ku Klux Klan was looked on as co-conspirator's the membership of the Hoosier Klan became in small numbers in Indiana. Price and Bowers Trial 1967 Defendants: Cecil Price and Sam Bowers, Jr. Crimes Charged: Conspiracy to violate civil rights Judge: William Harold Cox Place: Meridian, Mississippi Dates of Trial: October 7-20, Verdict: Guilty; Deputy Sheriff Cecil Price and local KKK Imperial Wizard Sam Bowers, Jr. had orchestrated an ambush carefully on three men that disappeared, all three murdered. This was the first trial that had ever convicted white officials and Klansmen of crimes against African Americans or civil rights workers. Great American Trials.}

The present Defendants' Steve Lentz, Judy (Langhurst) Dewar, Dave Shy, Keith O' Neal and James Wayman defense team is the United States Attorney's Western District Office, because of that conflict it is implausible for defendants to be criminally investigated nor prosecuted by there legal counsel in the case of incriminating statements or evidence is revealed. The Attorney General Ashcroft to plaintiff's knowledge has not recommended a Special Prosecutor to maintain equitable principals nor public sizable concern. Because of these factors and reasons and rational displayed in the Memorandum of Points and Authorities, it is the only alternative to appoint a Special Prosecutor to investigate and prosecute the severity of the plaintiff's pleadings and motions to this honorable court, to denote the defendants reluctance to

produce discovery which in turn defendants are *suppressio veri* (suppression of the truth) from being disclosed.

{See. U.S. CIRCUIT COURT OF APPEALS, EIGHTH CIRCUIT [2] No. 95-3268 [3] United States of America, [4] Appellant, v. [5] Jim Guy Tucker; William J. Marks, Sr.; John H. Haley, [6] Appellees. [7] United States Department of Justice; Sun Diamond Growers of California, [8] Amicus Curiae. [9] Submitted: December 12, 1995 [10] Filed: March 15, 1996 [11] Appeal from the United States District Court for the Eastern District of Arkansas. [12] Before BOWMAN, BEAM, and LOKEN, Circuit Judges. [13] BOWMAN, Circuit Judge. [14] The United States, represented by Independent Counsel Kenneth W. Starr, appeals from an order of the District Court dismissing an indictment brought against Jim Guy Tucker, William J. Marks, Sr., and John H. Haley. The court ruled that the Office of Independent Counsel (OIC) has no jurisdiction to prosecute the case. We reverse. [15] On August 5, 1994, the Division for the Purpose of Appointing Independent Counsels (commonly known and herein referred to as the Special Division), pursuant to a request from United States Attorney General Janet Reno, appointed Starr as Independent Counsel [16] to investigate to the maximum extent authorized by the Independent Counsel Reauthorization Act of 1994 whether any individuals or entities have committed a violation of any federal criminal law, other than a Class B or C misdemeanor or infraction, relating in any way to James B. McDougal's, President William Jefferson Clinton's, or Mrs. Hillary Rodham Clinton's relationships with Madison Guaranty Savings & Loan Association, Whitewater Development Corporation, or Capital Management Services, Inc.}

This Motion for a Special Prosecutor is being written under: Haines v. Kerner, 404 US 519.30 Led 2d 652, 92 S Ct 594 (1972). Pro Se litigants pleadings are to be construed liberally and held to less stringent standards than formal pleadings drafted by lawyers. McClellon v. Lone Star Gas Co., 66 F3d 98 (5th Cir. 1995). Court should freely give defendant especially Pro Se defendant leave to amend defective allegation in pleading. US v. Sanchez 88 F3d 1243 (D.C. Cir. 1996). Courts will go to particular pains to protect Pro Se litigants against consequences of technical errors if injustice would otherwise result.

Plaintiff requests a prayer for relief by the honorable court by appointing a Special Prosecutor from out of the state of Wisconsin jurisdiction and venue Charles Alan Wright, The Law of Federal Courts 42, at 257 (5th ed. 1994) to be assigned to civil case number #01-C-0573-C for the reasons and legal rational displayed in the Memorandum of Points and Authorities accompanied by the law quoted in this motion.

RESPECTFULLY SUBMITTED this 29th day of May 2002.

Jill M Degler
Notary Public
Dated 5-29-02
My commission expires 2-19-2005

JILL M. DEGLER NOTARY PUBLIC STATE OF WISCONSIN

JILL M. DEGLER
NOTARY PUBLIC
STATE OF WISCONSIN

Rickey Townsend *(Pro Se)*
Post Office Box 912
Wisconsin Rapids, WI 54495

Crystal Gallego
Disability Advocate
(Helped Mr. Rickey Townsend prepare this Motion because of his disability)
Post Office Box 912
Wisconsin Rapids, WI 54495

CC. United States Attorney's Western District Office
USA Steven Pray O'Connor
Defendants.